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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,959

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Donald Fedyk

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EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,959	Applicant(s) FEDYK ET AL.	
	Examiner Andrew L. Nalven	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 6-7, 9-10, 13-14, and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hoke et al US Patent No. 6,701,437 in view of Hama US Patent No. 7,072,346.
4. **With regards to claim 1**, Hoke teaches receiving at the ingress point of the backbone (Hoke, column 16 lines 23-31, VPN unit receives) group security association data associated with the group of stations (Hoke, column 16 lines 23-31, Figures 7 and 8), receiving a packet at the ingress point of the backbone (Hoke, column 7 lines 46-53,

VPN unit receives packet), a packet including an identifier corresponding to the group of stations and a destination address for the packet (Hoke, column 7 lines 46-53, addressed to the VPN, encapsulation includes destination address), transforming, at the ingress point of the backbone, the packet according to the group security association associated with the identifier (Hoke, column 7 lines 46-53, column 9 lines 18-34 and column 9 lines 60-67) and forwarding the transformed packet over the backbone using the group identifier as a backbone address (Hoke, column 7 lines 46-58, strips off). Hoke fails to teach the packet including a group identifier and a destination for the packet. However, Hama teaches receiving a packet including a group identifier and a destination for the packet (Hama, column 10 lines 25-53, destination address contained in the packet, when packet enters...VID contained in tag). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hama's method of using group identifiers because it offers the advantage of allow terminals belong to the same VLAN to communicate with each other regardless of where they are installed (Hama, column 2 lines 4-20).

5. **With regards to claim 2**, Hoke as modified teaches retaining fields of the packet needed to transfer the packet to the destination address over the backbone (Hoke, column 7 lines 47-57, encapsulates).

6. **With regards to claims 3, 7 and 14**, Hoke as modified teaches the ingress point is a customer edge device (Hoke, column 5 lines 59-60).

7. **With regards to claims 6 and 10**, Hoke as modified teaches receiving, at the egress point of the backbone, group security association data for the group (Hoke,

Art Unit: 2134

column 16 lines 23-31, VPN unit receives), receiving a packet at the egress point of the backbone, the packet including the identifier of the group and a destination for the packet (Hoke, column 7 lines 47-57, column 9 lines 18-34, Hama, column 10 lines 25-53), restoring the packet responsive to the group security association data associated with the group (Hoke, column 7 lines 47-57, strip off), and forwarding the packet to the destination (Hoke, column 7 lines 55-57).

8. **With regards to claim 9**, Hoke teaches registering, by the source station, as a member of the private group including receiving a private group identifier and a group security association (Hoke, column 15 lines 31-40), forwarding, by the source station, a packet to the destination station, the packet including the destination identifier and the private group identifier, the step of forwarding including transforming the packet using the group security association (Hoke, column 7 lines 46-53, column 9 lines 18-34 and column 9 lines 60-67). Hoke fails to teach the packet including a group identifier and a destination for the packet. However, Hama teaches receiving a packet including a group identifier and a destination for the packet (Hama, column 10 lines 25-53, destination address contained in the packet, when packet enters...VID contained in tag). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hama's method of using group identifiers because it offers the advantage of allow terminals belong to the same VLAN to communicate with each other regardless of where they are installed (Hama, column 2 lines 4-20).

9. **With regards to claim 13**, Hoke as modified teaches the group comprising at least three stations (Hoke, Figure 1).

10. **With regards to claim 16**, Hoke as modified teaches the means for securing data includes transform logic for encrypting only a portion of data transferred between the ingress point and the egress point of the communication link (Hoke, column 9 lines 61-67, encapsulated portion of data is encrypted, but not VPN headers).

11. **Claims 4-5, 8, 12, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke et al US Patent No. 6,701,437 and Hama US Patent No. 7,072,346, as applied to claims 1 and 10 above, and in further view of Mukherjee et al US PGPub 2004/0006708.

12. **With regards to claims 4, 8, and 12**, Hoke as modified fails to teach the ingress point is a provider edge device. However, Mukherjee teaches the ingress point is a provider edge device (Mukherjee, paragraph 0057, PE). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Mukherjee's provider edge device because it offers the advantage of allowing peer to peer virtual private networking for general consumers who are not affiliated with an enterprise thus allowing multiparty conferences and bridging of friends and family (Mukherjee, paragraph 0004).

13. **With regards to claims 5 and 15**, Hoke as modified fails to teach the ingress point is distributed between a customer edge device and a provider edge device. However, Mukherjee teaches the ingress point is distributed between a customer edge device and a provider edge device (Mukherjee, paragraph 0050, PE and CE). At the time the invention was made, it would have been obvious to a person of ordinary skill in

Art Unit: 2134

the art to utilize Mukherjee's distributed edge device because it offers the advantage of allowing peer to peer virtual private networking for general consumers who are not affiliated with an enterprise thus allowing multiparty conferences and bridging of friends and family (Mukherjee, paragraph 0004).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272

Art Unit: 2134

3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven

AN



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER